

ASSEMBLY MONEY BILLS PASS SENATE

Efficiency and Fire Marshal's Department Win on Amendments.

MEASURES APPROVED BY PARTY VOTE

Upper House Adds to Items—Increase for Riley—Early Adjournment Planned.

Albany, May 12.—All of the Assembly appropriation bills passed the Senate tonight after brief consideration in the Finance Committee, which amended the important measures.

The general appropriation bill was amended so as to provide sustenance for the Department of Efficiency and Economy and the State Fire Marshal's office, and to reduce the measure's total \$21,000. It was passed by a strict party vote, 32 to 18.

A conference committee was appointed immediately after the passage of the bill, and it will hold its first session tomorrow morning. The members are Senators Pawley, Murtagh and Cullen, Democrats, and Brown, Republican, and Assemblymen MacDonald, Himm, Wheeler, Mader and Conkling, Republicans, and Smith, Democrat.

Leaders to-night were optimistic over the outlook for an early adjournment. Some thought the session might end on Thursday, and the general opinion was it would not go into next week.

The total of the Assembly appropriation bill was \$30,558,000. The Senate reduced it to \$30,477,000. The cuts were general. An item of approximately \$124,000 was inserted for the Department of Efficiency and Economy and one of \$111,000 for the State Fire Marshal's office.

The Assembly supply bill totalled \$1,325,000, but as amended it reaches \$1,850,000. An appropriation of \$200,000 for hospital maintenance was eliminated. There was added, however, \$200,000 for legislative printing, including \$150,000 for printing the session laws, which have been omitted from the Assembly bill. The Senate also included appropriations totaling \$80,000 for the valuation of the property of the New York Telephone Company. Of this amount, \$50,000 is for the expenses of the Public Service Commission in making the valuation, and the balance is for the Foley legislative commission.

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mittee which is to assist the commission in the inquiry.

The highway and canal appropriation measures, which carried only small sums, were passed by the Senate without change.

The bill which would authorize a contribution of \$2,227,000 for the canal sinking fund also passed the Assembly.

The Republican members of the Assembly completely carried out their financial programme.

The only fight was on the General Appropriation bill, and the feeling among the rank and file of the Republicans is that, having passed it with its reduction of nearly \$1,000,000 and its elimination of money for the two disputed departments, they have honestly carried out their economy programme.

While the leaders are not disposed to talk, a large number of the Republican Assemblymen freely admit that they now favor an adjournment as soon as possible, even at the expense of giving some money to the Fire Marshal and Efficiency and Economy Commission.

It is generally believed here to-night that an agreement will be reached within the next few days by which these two departments will be given enough money to run them until February 1 next. Senator Murtagh and other Senate Democratic leaders said to-night that they would accept such an agreement. Other differences, it is believed, can be quickly settled up.

The Republicans recorded their belief in the uselessness of the Efficiency and Economy and Fire Marshal's departments, by voting almost solidly against amendments to the appropriation bill, offered by Democratic Leader A. E. Smith, to include the salaries of the Efficiency and Economy Commissioner, \$12,500; the Fire Marshal, \$7,000, and his two deputies, \$5,000 each.

The Progressives joined with the Democrats and voted for both amendments. Most of them, however, followed their leader, Michael Schapp, by joining the Republicans in voting for the general appropriation bill, which was passed by a vote of 90 to 40.

Assemblyman Sulzer, who made a bitter attack on the Efficiency and Economy and Fire Marshal's departments, voted with the Republicans throughout.

The appropriation bill, it was noticed, contained items of \$10,000 for the Burns Detective Agency and \$5,000 for personal counsel who worked for Sulzer during his impeachment trial last fall.

The resolution of Mr. Sulzer requesting Governor Glynn to send a special message to the Legislature recommending additional primary legislation passed, 103 to 12.

The Senate bill which is being prepared to-night will contain these items for the telephone appraisal in New York City; \$60,000 for the Public Service Commission and \$20,000 for the Foley legislative commission.

In the final bartering of items between the Democrats and Republicans on the conference committees in the wind-up of the session it is believed the Senate will agree to a \$40,000 appropriation for the Sullivan Assembly investigating commission in return for a compromise on the Efficiency and Economy and Fire Marshal's departments.

The Senate Finance Committee, receiving the Assembly bill to-night, carefully went over it and decreased its total by \$50,000. It, however, provided \$100,000 for the Efficiency and Economy Department and \$111,000 for the Fire Marshal's Department. The items for the Sulzer counsel and impeachment trial expenses were cut out. When asked about the other regulations members of the committee said they were all in the way of expenses and that no salaries were reduced or positions abolished.

Some salaries, in fact, were increased, one being that of Superintendent of Prisons John B. Riley. The Assembly bill retained his salary at \$8,000, but at his request the Senate Finance Committee increased it to \$8,500.

"Whether this increase will be kept in the bill," said Deputy Controller Harris, who was largely instrumental in preparing the Senate bill, "will depend on the Assembly leaders. The plan is now to provide \$2,000 more for the Superintendent of Prisons if an agreement to that effect can be reached with them."

NEW HAVEN CUTS SERVICE

Reduces Summer Accommodations from N. Y. to Boston.

(By Telegram to The Tribune.)

Boston, May 12.—The New Haven has arranged for a general reduction in late spring and early summer train service between New York and Boston.

The plan to run the New York-Maine express via the Boston & Maine's central division and the Hampton Railroad, with the inauguration of summer schedules, has been dropped, and these trains will be operated via the Norwich and Willimantic routes.

ROOSEVELT AT BARBADOS

Recovering Rapidly, but Won't Talk on Mexican Situation.

Bridgetown, Barbados, May 12.—Colonel Theodore Roosevelt, with G. K. Cherry and Lee L. Miller, of the American Museum of Natural History, arrived here today on their way from Para, Brazil, to New York. The condition of health of the colonel had very much improved during the voyage, and he expects his recovery from the abscess on his leg will be complete by the time he arrives in New York. The other members of the party were in a fair state of recuperation from the effects of their long journey in the wilds of Brazil.

Much annoyance was expressed by the members of Colonel Roosevelt's expedition in regard to the skepticism displayed in various quarters as to the discovery of a hitherto unknown and important river running into the Madeira. They declared the existence of the Rhine, the Elbe or the Hudson might just as well be questioned. They were surprised at the alleged unbelief uttered by Sir Clements Markham, former president of the Royal Geographical Society of London.

Colonel Roosevelt is going to Madrid to attend the wedding of Miss Williams to his son Kermit. He declines to say anything concerning the Mexican situation or politics in general until he arrives in New York.

Ford to Honor Burroughs.

Henry Ford, the automobile manufacturer, and former Governor John A. Dix have reserved rooms at the Yama Farms Inn, Nanapanoch, N. Y., for the celebration in honor of the seventy-seventh birthday of John Burroughs, the naturalist. The celebration will continue throughout the present week. Mr. Burroughs was born on April 3, 1837.

Bargain Sale of Money.

Boston, May 12.—A one-dollar bill marked down to 50 cents remained in a store window twenty-two hours before it was purchased to-day.

N. H. ROW UP TO WILSON; J. P. MORGAN DEFENDED

Continued from page 1

thly give an "immunity bath" to the culprits and thus rob the Department of Justice of its most effective weapon.

Incidentally it developed to-day that while the negotiations between the government and the New Haven regime for a friendly disintegration of the system "are progressing" nothing of a definite nature has been accomplished and that there is still an opportunity for the New Haven people to "come out from under."

Department of Justice officials do not attempt to conceal their fear that there is a strong possibility of the Folk inquiry hampering the progress of the negotiations.

Attorney General McFadden said to-day that he had not actually requested the Interstate Commerce Commission officials not to use Mr. Mellen and others as witnesses in the hearing, but had simply pointed out the immunity clause in the interstate commerce act. He intimated, however, that he had expressed his views regarding the matter and there by had placed the responsibility squarely upon to the commission and Mr. Folk.

Silent on Prosecution.

Asked regarding his intention of prosecuting Mr. Mellen and others interested in the New Haven system, Mr. McFadden said that he was not prepared to talk on the subject at present. He made it plain, however, that he did not want the Interstate Commerce Commission to afford unnecessary immunity in the hearing now being conducted.

The indictment against Mr. Mellen is already pending, and Department of Justice officials intimated that other action might be taken as a result of the deep investigation being conducted by Messrs. Adkins and Gregory. Mr. Mellen, Elson J. Chamberlain, president of the Grand Trunk Railway of Canada, and Alfred W. Smithers, chairman of the board of directors of the Grand Trunk, were indicted on a charge of conspiracy to violate the Sherman anti-trust law. The indictment was returned December 23, 1912. A penalty of one year's imprisonment or \$1,000 fine or both is provided for the offence charged against the three defendants.

No reason for failure to bring the cases to trial has been given by the Department of Justice, but it is understood that all criminal action has been deferred pending a solution of the New Haven problem in its entirety.

LEDYARD GIVES LAWRENCE LIE IN STIRRING SCENE

Mr. Ledyard, New York lawyer and former director of the New Haven road, made a dramatic defence of the late J. Pierpont Morgan at the hearing before the Interstate Commerce Commission to-day, when he unexpectedly took the floor and branded as false the statements concerning himself and Mr. Morgan which had been made by William B. Lawrence, of Boston, the principal witness of the afternoon.

Mr. Lawrence is the member of the Boston family which held a large block of Boston & Maine stock and was responsible for bringing Louis D. Brandeis into the New Haven and stirring up most of the recent investigation which has helped to put the New Haven on the rocks.

Mr. Ledyard, according to Mr. Lawrence's testimony, had told the directors of the Boston & Maine, before it was taken over by the New Haven, that the latter company wanted to acquire control of the Boston & Maine by swapping New Haven stock for an equal amount of Boston & Maine stock.

He also charged that Mr. Ledyard had said that Mr. Morgan and a Mr. Pratt had made up their minds that this would be a good thing; that Mr. Morgan's firm was then considering financing the New Haven road to the extent of \$10,000,000.

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that amount. He said he had made an investigation and found that the New Haven had diverted a large amount of high grade traffic on the Boston & Maine to its own road and that the physical condition of the Boston & Maine had been allowed seriously to deteriorate.

Mr. Ledyard did not attempt to controvert these figures of Mr. Lawrence, but he gave some inside history of the sale of the 30,000 or 40,000 shares held by the American Express Company. He said:

"I was for many years a director of the Boston & Maine Railroad Company. Prior to 1907 I had also been a director of the American Express Company. I had also been general counsel for the express company."

"The express company many years before I have forgotten when—had acquired a large block of Boston & Maine stock, and on the Boston & Maine board I represented that holding."

Mr. Ledyard said that he remembered that some time prior to 1907 General Lawrence and he had entered into a mutual understanding that one was to notify the other in case either determined to sell his stock. The harmonious relations in the board continued uninterrupted, Mr. Ledyard said, until the time of the selling of the Boston & Maine stock held by the American Express Company.

Story of the Sale.

"The way that case came about," he said, "was that I was sitting in my office in New York when Gardner Lane, a broker in Boston, came to see me. He said: 'Mr. Ledyard, would the American Express Company be willing to sell its Boston & Maine stock?' I said: 'Mr. Lane, I do not know; I should have to ask about it. And they naturally would want to know who was buying it.' He said: 'Mr. Mellen wants to buy it for the New Haven road.'"

"I had some talk with him about his idea as to price. He at first thought the New Haven would take some lease of the Boston & Maine, and the Boston & Maine be converted into some guaranteed stock. He came more than once—I think twice—and he said that he would not do about that. Finally he came and said he thought they could give us New Haven stock for our Boston & Maine stock, share for share."

"I saw the directors of the express company, of which I was counsel. I never saw Mr. Morgan in the transaction in my life. He had no interest in it, so far as I knew; he was not in it. I never saw him, I have never heard of him in the transaction, and I never, in the Boston & Maine board, or in the executive committee, or in the presence of William B. Lawrence, or any one else, stated that I represented him, or that I had seen him, or that I was representing any interest in the matter."

"The American Express Company directors said that they would be willing to sell their Boston & Maine stock, and I went back to Boston, and at the next meeting of the board—I suppose it was the next meeting—at a meeting at least of the board—or of the executive committee, I do not remember which—General Lawrence and I being members of both, I told him about Mr. Lane coming on behalf of Mr. Mellen and wanting to buy our stock, that we were entertaining the proposition and proposed to sell it."

Mr. Ledyard said he had suggested to Mr. Lane that the American Express Company would not be willing to sell its Boston & Maine stock unless Mr. Mellen, and the New Haven were willing to afford the same opportunity to any other stockholder wishing to dispose of his stock. He said the peculiar laws of Massachusetts were really responsible for the desire of the American Express Company to dispose of its stock.

The Boston & Maine Railroad had come to the end of its bond issuing limit, and the only way that it could increase its bond issuing capacity was by the issue of additional capital stock.

"Under the laws of Massachusetts," he said, "that could be done only with the consent of the railroad commission, and the purposes of the issue were to be approved by them, the amount was to be authorized by them and the price at which the stock should be offered to the stockholders fixed by them, which the law required should be not less than the actual value of the stock. For that purpose the railroad commission always took the market value of the stock."

"As Mr. Lawrence has told you, one of those issues was at 100, while the Boston

& Maine was paying dividends of 7 per cent. That made a return of about 2.5 per cent to the stockholders. The large stockholder had to sit there and take his medicine or lose his proportionate interest in the property—and take his medicine on these very unprofitable returns."

This law, he said, had done more to retard railroad development in Massachusetts than any other one thing. It provided that if the stockholders did not purchase the stock at a price fixed by the Railroad Commission the amount not taken must be sold by auction. "Can you imagine a method more complete and better fitted for destroying the value of a railroad stock than that?" he asked. These laws, he said, have since been repealed.

Mr. Ledyard also said that he had told General Lawrence, father of to-day's witness, and the other directors of the Boston & Maine why it was that the American Express Company was disposing of its Boston & Maine stock, and if the New Haven would buy it and give New Haven stock for it the express company was glad to take it. Another reason, Mr. Ledyard said, was the great inactivity of the Boston & Maine stock.

"It was a stock," said Mr. Ledyard, "that was practically unsalable. As the American Express Company owned 30,000 or 40,000 shares, I think—the amount may not be exact, but a large block—it was practically an unsalable and unrealizable asset in their hands."

"That was not true of New Haven stock, or if true, it was true in much less degree. And the reason why I went there and told those directors, and said to them that we had insisted the New Haven should give the same opportunity to all other purchasers that they were giving to us, was that I had stated to General Lawrence, one of the reasons that we would not dispose of our stock without notifying him of what we were going to do, and I thought it was only fair that the other gentlemen concerned in the management of the property should also have the same opportunity and possess the same information."

"A suggestion is contained in this testimony to-day that that offer was made to the directors alone. It was made to all the stockholders of the Boston & Maine road, and the gentleman knows it; to all, by Lee Higginson & Co."

Lawrence Much Excited.

Mr. Lawrence became much excited as Mr. Ledyard told the story, and when the latter finished he jumped to his feet and demanded that he be allowed to ask some questions. He wanted to know if it was not a fact that William K. Vanderbilt had acquired a block of 5,000 shares of Boston & Maine stock at a special price from the road, saying that it was to be his personal property, and that he would not sell it to the New Haven.

Mr. Ledyard replied: "I happen to be able to answer that question very clearly. Mr. Vanderbilt happened to be a personal friend of mine. I never knew anything about his acquisition of Boston & Maine stock. He had acquired it, I believe, before I was a director there. I never knew the terms or the conditions of this acquisition by him."

"It so happens, however, Mr. Commissioner, that I am able to throw light upon the subject of the gentleman's inquiry."

"When the New Haven Railroad gave to the American Express Company and other holders of Boston & Maine stock New Haven stock, share for share, Mr. Vanderbilt came to me and said: 'Would you mind my putting my Boston & Maine stock in your name, and I said, 'Why? He said, 'I would rather put my stock in your name and let you receive in your name for my account the New Haven stock which I am to receive for it.'"

"He did transfer the shares of Boston & Maine stock to my name. I have forgotten the amount, 400 and some odd, or 5,000 and something about there; it may have been 6,000. I turned that in at the time with the other Boston & Maine stock surrendered to the New Haven. And I received in exchange for it, in my name, shares of the New Haven stock for Mr. Vanderbilt's account. They continued in my name, and I received the dividends, and remitted them regularly to Mr. Vanderbilt—but not to the New York Central Railroad, in which I have had no interest at all until I resigned from the New Haven board a year or two ago."

Mr. Ledyard's statement to-day is looked upon as a forerunner of something more sensational when he takes the stand. It is believed he will pay his respects to Mr. Mellen in a way that will be anything but complimentary and will tell some inside history of New Haven affairs that will put Mr. Mellen in an unfavorable light.

Other witnesses this morning were Timothy E. Byrnes, former vice-president of the New Haven, and F. H. McAdam, examiner for the Interstate Commerce Commission, who testified as to the amount of stock held by the various directors of the New Haven. He said that William Rockefeller was a director in thirty-six other companies, either railroad or with railroad affiliations.

Mr. Byrnes was asked if Mr. Mellen ever turned over to him money to be disbursed without vouchers.

"No," replied Mr. Byrnes. "at no time."

Mr. Folk submitted a voucher for \$34,800

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In favor of Sylvester Baxter "for 15,000 prayers." "Prayers?" mused Mr. Folk. "What did the New Haven want with 15,000 prayers?" "It probably needed more than that," smiled Mr. Byrnes.

"This purports to be 'prayers from the hills,'" suggested Mr. Folk. "Why were the appeals of the people being paid for by the New Haven?"

"I don't know about that," Mr. Byrnes replied. "The bill was paid by the New Haven. People were praying then, just as they are praying now, for a rest."

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